IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 1159 (S/S) of 2007

1. Kaushal Kumar S/o Sri Dharmanand Upadhyaya
   R/o Village Ganei Gangoli, Tehsil Gangolihat, District Pithoragarh
2. Chandra Shaker Gunvant S/o Sri Giresh Chandra Gunvant
   R/o Village Simrar, P.O. Simrar, District Nainital
3. Hari Singh Bisht S/o Sri Prem Singh Bisht
   R/o Village Pipli P.O Devlikhet, District Almora

---------Petitioners

Versus

1. Union of India through its Secretary (Personal) Ministry of Personnel Training Public Grievances and Pensions,
   New Delhi
2. State of Uttarakhand through its Secretary, Ministry of Home, Dehradun
3. State of Uttar Pradesh through its Secretary, Ministry of Home, Lucknow
4. Director General of Police, State of Uttarakhand, Dehradun
5. Director General of Police, State of Uttar Pradesh, Lucknow
6. State Advisory Committee, Lodhi Road, New Delhi through its Chairman

--------- Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Anil Kumar Joshi, learned counsel for the petitioners, Sri N.P. Shah, learned Standing Counsel State of Uttarakhand, Smt. Beena Pandey, learned Standing Counsel State of U.P. and Smt. Seema Sirohi, learned Asstt. S.G. Union of India for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. Issue a writ of certiorari quashing the impugned order dated 19.11.2004 as contained as Annexure No. 1 to this writ petition as it relates to petitioner.
2. Issue a writ, order or direction in the nature of mandamus commanding the respondents to allocate the petitioners for State of Uttarakhand.
3. Any other order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case may also be passed.
4. Allow the petition with cost.

The stand of the petitioners is that initially they were appointed as Constable in Police Department. Learned counsel for the petitioners has submitted prior to creation of State of Uttarakhand, they were working in Uttarakhand and also the petitioners are permanent resident of State of Uttarakhand. Learned counsel for the petitioners has further submitted that when the options were invited from them, they have opted for State of Uttarakhand, however, by the impugned order dated 19th November, 2004, (Annexure No. 1 to the writ petition) passed by Director, State Reorganization, the petitioners have been allocated to State of Uttar Pradesh.

Learned counsel for the petitioners has submitted that the order impugned itself is contradictory. Since the petitioners are already working in State of Uttarakhand prior to creation of Uttarakhand and still they are working in the State of Uttarakhand and also as they have opted for State of Uttarakhand, they should have been allocated to State of Uttarakhand.

In the circumstances, alleging their grievances, the petitioners may make representation before respondent no. 4, Director General of Police, Uttarakhand through proper channel within a period of 10 days from today and respondent no. 4 is also directed to forward the case of the petitioners in accordance with law to respondent no. 6, State Advisory Committee, New Delhi, who in turn, will take decision on the representation of the petitioners within a period of three weeks from the date of receipt of representation. The whole exercise shall be completed within a period of three months from today.

Till the decision is taken on the representation of the petitioners by respondent no. 6, the petitioners shall not be relieved for State of Uttar Pradesh.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

23.08.2007
VKS